

DEC PERMIT NUMBER  
8-4532-00023/00001-0



EFFECTIVE DATE  
Renewed October 11, 2007

FACILITY/PROGRAM NUMBER(S)  
50S08

**PERMIT**  
Under the Environmental  
Conservation Law (ECL)

EXPIRATION DATE(S)  
October 10, 2017  
Modified: 11/26/2008

TYPE OF PERMIT ☐ NEW ☐ Renewal ☒ Modification ☒ PERMIT TO CONSTRUCT ☒ Permit to Operate

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Article 15, Title 5:<br>Protection of Waters                     | <input type="checkbox"/> 6NYCRR 608: Water Quality<br>Certification      | <input checked="" type="checkbox"/> Article 27, Title 7;<br>6NYCRR 360: Solid Waste<br>Management |
| <input type="checkbox"/> Article 15, Title 15:<br>Water Supply                            | <input type="checkbox"/> Article 17, Titles 7, 8:<br>SPDES               | <input type="checkbox"/> Article 27, Title 9;<br>6NYCRR 373: Hazardous<br>Waste Management        |
| <input type="checkbox"/> Article 15, Title 15:<br>Water Transport                         | <input type="checkbox"/> Article 19: Air Pollution<br>Control            | <input type="checkbox"/> Article 34: Coastal<br>Erosion Management                                |
| <input type="checkbox"/> Article 15, Title 15:<br>Long Island Wells                       | <input type="checkbox"/> Article 23, Title 27:<br>Mined Land Reclamation | <input type="checkbox"/> Articles 1, 3, 17, 19, 27,<br>37; NYCRR 380: Radiation<br>Control        |
| <input type="checkbox"/> Article 15, Title 27:<br>Wild, Scenic<br>and Recreational Rivers | <input type="checkbox"/> Article 24: Freshwater<br>Wetlands              | <input type="checkbox"/> Other:   |
|   | <input type="checkbox"/> Article 25: Tidal<br>Wetlands                   |   |

PERMIT ISSUED TO IESI-Seneca Meadows, Inc.		TELEPHONE NUMBER (315)539-5624	
ADDRESS OF PERMITTEE 1786 Salcman Road, Waterloo, NY 13165			
CONTACT PERSON FOR PERMITTED WORK Thomas Hasek		TELEPHONE NUMBER (315)539-5624	
NAME AND ADDRESS OF PROJECT/FACILITY IESI-Seneca Meadows, Inc., 1786 Salcman Road, Waterloo, NY 13165			
LOCATION OF PROJECT/FACILITY 1786 Salcman Road, Waterloo, NY 13165			
COUNTY Seneca	TOWN Seneca Falls	WATERCOURSE Water Body:	NYTM COORDINATES A/B E:712250 N:1015000 SE E:713500 N:1011000
DESCRIPTION OF AUTHORIZED ACTIVITY:			
Construction and Operation of Mixed Solid Waste Landfills (Existing, A/B Overfill, Southeast and 2007 Expansion) with an approved design capacity of 6000 tons per day. Modified to include Article 24 conditions.			

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified (see page 2) and any Special Conditions included as part of this permit.

PERMIT ADMINISTRATOR: <i>Peter A. Lent</i>	ADDRESS 6274 E. Avon-Lima Rd, Avon, NY 14414	
AUTHORIZED SIGNATURE <i>Peter A. Lent</i>	DATE <i>11/26/2008</i>	Page <u>1</u> of <u>23</u>

**NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS****Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

**Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

**Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

**Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

**GENERAL CONDITIONS****General Condition 1: Facility Inspection by the Department**

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**General Condition 2: Relationship of this Permit to Other Department Orders and Determinations**

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**General Condition 3: Applications for Permit Renewals or Modifications**

The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

The permittee must submit a renewal application at least:

- a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
- b) 30 days before expiration of all other permit types.

Submission of applications for permit renewal or modification are to be submitted to:

NYSDEC Regional Permit Administrator, Region 8  
6274 E. Avon, Lima Road, Avon, NY 14414 (585)226-5390

**General Condition 4: Permit Modifications, Suspensions and Revocations by the Department**

The Department reserves the right to modify, suspend or revoke this permit in accordance with 6 NYCRR Part 621. The grounds for modification, suspension or revocation include:

- a) materially false or inaccurate statements in the permit application or supporting papers;
- b) failure by the permittee to comply with any terms or conditions of the permit;
- c) exceeding the scope of the project as described in the permit application;
- d) newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e) noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.



**ADDITIONAL GENERAL CONDITIONS FOR ARTICLE 27 (Title 7, Seneca Meadows, Inc.)**

9. All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or his agent as part of the permit application. Such approved plans were prepared for SMI and submitted December 2006.

**SPECIAL CONDITIONS**

**I. GENERAL APPLICABILITY**

1. Unless expressly authorized in writing or unless modified by conditions of any permit issued by the Department of Environmental Conservation (the "Department"), construction and operation of the 55 acre A/B Overfill (A/B) and the 65 acre Southeast Landfill (SELF), the 2007 expansion areas designated as EX-1, EX-2, and EX-3 and related facilities shall be carried out in strict conformance with the plans, specifications, and reports submitted as part of the application for this permit. Those materials include:
  - (a) Permit applications for a modification of the existing Permit to Construct and Operate a Solid Waste Management Facility pursuant to 6 NYCRR Part 360, dated 12/20/2006 and signed by Edward L. Apuzzi, Vice President of Seneca Meadows, Inc.
  - (b) Seneca Meadows Inc.'s (SMI), Seneca Meadows Solid Waste Management Facility, 6NYCRR Part 360 Landfill Expansion Application, dated December 2006, and as revised in February 2007 where noted below. The application documents are as follows:
    - (1) Site Investigation Report, dated November 2006, revised December 2006 Appendix E and Appendix F in second volume.
    - (2) Engineering Report Single volume with supporting appendices
      - (i) Appendix A, Drainage Design Report and Stormwater Pollution Prevention Plan, Volumes I and II, and Addendum #1 dated January 2007, revised February 2007
      - (ii) Appendix B, Gas Collection Control System, Design Plan Modification, revised February 2007
      - (iii) Appendix C, Geotechnical Report, Volumes I and II
      - (iv) Appendix D, Operations, Maintenance and Monitoring Plan, revised February 2007
      - (v) Appendix E, Environmental Monitoring Plan, revised February 2007

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- (vi) Appendix F, Site Analytical Plan
- (vii) Appendix G, 1.9(g) Report, revised February 2007
- (viii) Appendix H, Construction Quality Assurance/ Construction Quality Control Plan, revised February 2007
- (ix) Appendix I, Closure/Post-Closure Plan, revised February 2007
- (x) Appendix J, Landscape Plan
- (xi) Appendix K, Contingency Plan
- (xii) Appendix L, Supporting Calculations
- (3) Engineering Drawings
  - (i) Site Civil, Drawing Numbers C-1 through C-50
  - (ii) Drainage, Drawing Numbers D-0 through D-21
  - (iii) Electrical, Drawing Numbers E-1 through E-12
  - (iv) Geotechnical, Drawing Numbers G-1 through G-10
  - (v) Salcman Road, Drawing Numbers H-1 through H-12
  - (vi) Landscaping, Drawing Numbers L1- through L-4
  - (vii) Gas Collection and Control System, Drawing Numbers LFG-01 through LFG-51
- (4) Draft Generic Environmental Impact Statement, December 2005, Final Generic Environmental Impact Statement, August 2006, Draft Supplemental Environmental Impact Statement, December 2006, and revised February 2007.
- (5) Title V Air Permit, Renewal March 2007.

2. The Permittee shall comply with all conditions of this permit and the appropriate edition of 6NYCRR Part 360 as outlined in this permit or as directed in writing by the Department. Non-compliance constitutes a violation of ECL Article 27, Title 7 and is

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- grounds for enforcement action, permit suspension, revocation, or modification, or denial of a permit renewal or modification application.
3. The Permittee must maintain a copy of all application materials, plans, reports, permits, and the Draft and Final Environmental Impact Statements at the site and make these documents available to any representative of the Department. The Permittee must also maintain a copy of all written approvals and directives in a like manner, together with a copy of the effective Part 360.
  4. Unless otherwise specified by the Department, two copies of all plans, reports, or other submissions related to the design, construction, operation, or monitoring of this facility must be submitted to: Regional Solid & Hazardous Materials Engineer, NYSDEC, 6274 East Avon-Lima Road, Avon, NY 14414.
  5. Unless otherwise specified in this permit, any approval required must be obtained in writing from the Region 8 Regional Solid & Hazardous Materials Engineer.
  6. This permit modification authorizes construction of Landfill Expansion Area EX-2 and related infrastructure as shown on Engineering Drawing C-5 through C-10 dated December 15, 2006. No construction of subsequent Areas EX-1 or EX-3 may commence until and unless construction plans and technical specifications have been submitted and approved by the Department. Such construction plans and specifications must be in compliance with 6NYCRR Part 360 requirements which are in effect at the time when they are submitted.
  7. In the event an authorized Department representative makes a determination that the Permittee is in non-compliance with any provision of the Environmental Conservation Law, or with any regulation promulgated thereunder or any provision of this permit or any judicial or administrative order applicable to the facility, the Permittee must, upon receipt of written or oral Notice of Non-Compliance from the Department, immediately take such steps as are necessary to correct, abate, or remediate the non-complying condition. When oral notice is given, the Department will provide a confirming written Notice of Non-Compliance. To the extent feasible, the Permittee must consult the Department regarding the selection and implementation of such remedial measures. Any instance of non-compliance, together with the responsive measures and results of such remedial measures, must be recorded in writing by the Permittee, and submitted to the Department. Failure to do so shall constitute non-compliance with this permit.
  8. The Permittee shall take all steps to minimize or correct any significant adverse impact on public health, safety or welfare, the environment or natural resources resulting from facility operations. The Permittee shall report any such activity which may endanger human health or the environment to the DEC Region 8 Regional Solid & Hazardous

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Materials Engineer. Any such information shall be reported orally within 48 hours from the time the Permittee becomes aware of the circumstances and followed up in writing within seven days.

9. The Permittee shall allow any authorized representative of the Department upon the presentation of proper credentials, to:
  - (a) Have access to and copy any records that must be kept under the conditions of this permit or Part 360;
  - (b) Enter and inspect any buildings, facilities, equipment (including monitoring and control equipment), practices, or operations regulated under this permit; and
  - (c) Sample or monitor for the purpose of assuring permit compliance or as otherwise authorized by the ECL or any applicable law, regulation, permit or Order, any substances or parameters at any location.
10. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.
11. The provisions of this permit shall not be construed to limit the Department's authority as otherwise established by law or regulation.
12. The account to fund the Environmental Monitor(s) as established under permit #8-4532-0023/00001-0 shall continue as follows:
  - (a) Funds as required to support the monitoring requirements shall be provided to the Department for funding of environmental compliance activities related to the operation of Permittee's Facility. This sum is based on annual Environmental Monitor service costs and is subject to annual revision. Subsequent annual payments shall be made for the duration of this Permit to maintain an account balance sufficient to meet the next year's anticipated expenses. The permittee shall be billed annually for each fiscal year beginning on April 1.
  - (b) The Department may revise the required payment on an annual basis to include all costs of monitoring to the Department. The annual revision may take into account factors such as inflation, salary increases, changes in operating hours and procedures and the need for additional Environmental Monitors and supervision of such Environmental Monitors by full-time Environmental Monitor supervisors. Upon written request by the Permittee, the Department shall provide that entity

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with a written explanation of the basis for any modification. If such a revision is required, the Department will notify the Permittee of such a revision no later than 60 days in advance of any such revision.

- (c) Prior to making its annual payment, the Permittee will receive and have an opportunity to review an annual work plan that the Department will undertake during the year.
- (d) Payments are to be in advance of the period in which they will be expended.

**II. LANDFILL CONSTRUCTION**

- 13. Not less than thirty (30) days prior to the commencement of the construction of Areas EX-1 or EX-3 of the landfill expansion, the Permittee must submit to the Department for its review and approval, construction plans and technical specifications that meet the requirements of the 6NYCRR Part 360 regulations in effect at that time. The Department will provide a written response identifying any defects or omissions in the plans within fifteen (15) days of receipt.
- 14. Written notice of the commencement of all major portions of on site construction activities must be made to the Department. The Permittee shall submit to the Department, prior to the commencement of construction, a construction schedule which indicates the anticipated beginning and end dates for all major construction activities. These activities include, but are not limited to, the commencement of the clearing and grading of any large areas, commencement of the placement of the liner for any large section, covering of any section of the leachate collection system, commencement of quality control and quality assurance testing including on-site permeability and/or density testing activities and the commencement of construction of any section of permanent final cover.
- 15. Prior to the initiation of construction of each stage, benchmarks shall be located at a minimum of one permanent bench mark for each 25 acres of landfill footprint. The location of the permanent benchmarks shall be noted on the "as-built" drawings. Elevations for permanent bench marks shall be taken from an existing U.S. Geological Survey benchmark. New York Transverse Mercator (NYTM) coordinates must be established for each permanent benchmark.
- 16. The Department must be notified immediately in case of any development during construction that warrants a request to modify the approved engineering plans. Deviation from the approved plans for any significant change without the specific prior written approval of the Department will constitute a violation of this permit.

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17. The low permeability soil and primary soil components in the construction of the liner system shall be constructed in accordance with Specification 02276 and 02597 (subgrade requirements).
18. Prior to issuance of the Department's approval to operate any areas (cells) which have been lined as shown on the approved Engineering Drawings, the permittee must: (i) demonstrate to the Department's satisfaction that the facility's construction is in accordance with this Permit and plans approved thereunder; and (ii) submit certification of construction in accordance with the appropriate subdivisions of 6NYCRR Part 360 which have governed design and construction of the affected stage of the facility.
19. All construction activities related to landfill liners and final cover, leachate management, and landfill gas management shall be under the supervision of a person licensed to practice professional engineering in the State of New York or an authorized representative of that individual. A representative of the Permittee's engineering consultant must be present whenever construction is on-going. This requires that the certifying engineer is capable of operating independently and without influence from the construction contractor and the facility owner, as demonstrated to the Department in the CQA/CQC Plan. This representative must maintain a daily log indicating work done that day, weather conditions, testing performed, quality control and quality assurance practices, problems encountered, and remedial activities undertaken to correct these problems. A copy of this log, certified by the supervising engineer as accurate and correct, must be submitted with the construction certification for each stage, or portion thereof. The certification with original signatures and stamped by the licensed engineer must indicate whether all work performed was in compliance with this permit, and the plans and reports as detailed in special condition #1. The certification must be submitted within sixty (60) days after completion of construction. Clear color photographs of major project aspects; daily reports; and results of all tests conducted to determine compliance shall also be included with the certification. As-built engineering plans must also be certified containing at least the following:
  - (a) notation of any deviations from the plans and reports;
  - (b) completed sub-grade elevations;
  - (c) completed top of liner elevations, for both primary liner and secondary liner, and top of primary drainage blanket elevations;
  - (d) location and critical elevations of leachate collection lines, leak detection lines, the top and bottom of the groundwater drainage blanket, valve pits, tanks, pond, containment berm, manholes, etc.
  - (e) final drainage features;

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- (f) locations, both existing and proposed, of all monitoring devices.
- (g) a minimum of one east-west and one north-south cross-section; drawn to scale and located on the plan view of the landfill;
- (h) critical work such as synthetic liner penetration, welding and fittings.

Department approval of the construction certification report is required prior to the initiation of operation of the specific stage of the facility. No waste shall be placed in a constructed stage prior to receipt of the Department's written approval. The Department will review the submitted material for approval within 30 days of receipt.

- 20. Prior to commencement of construction of the low permeability soil component of the liner system, a test pad must be constructed as described in the Quality Assurance (QA) Quality Control (QC) Plan, and the results of this test must be submitted to Department unless adequate information is provided to and approved by the Department on soil of known characteristics, with consistent operating history, and known demonstrated equipment performance.
- 21. All structures, including the leak detection and leachate collection systems, groundwater monitoring wells, valve pits, manholes, etc., shall be maintained in proper working order. In the event any structure becomes damaged or malfunctions in any way, the Permittee shall notify the Department verbally within 48-hours after detection, and follow up in writing within seven (7) days, and shall promptly repair or replace the structure.
- 22. All boreholes, wells, and monitoring devices found within the proposed fill area shall be properly abandoned by overboring, grouting using a tremie method or similar downhole pressure grouting system and cement-bentonite grout to ensure that all contaminant migration pathways are sealed. Casings shall be removed. This activity must be noted as accomplished in the construction certification report.
- 23. Extreme care and protective measures shall be taken to protect the integrity of the groundwater depression system, leak detection system, leachate collection system, liners, geotextiles and all other landfill structures. Only rubber tired vehicles shall be allowed in direct contact with HDPE liner.
- 24. The materials used in the drainage layers must have less than five percent of the material by weight pass the No. 200 sieve. A particle size analysis of the material to be used for the drainage layers shall be performed prior to the start of construction and during construction at a frequency of one test for every 1000 cubic yards of material placed.
- 25. Open burning of land clearing materials and debris (including trees, shrubs, and brush) is

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- prohibited. Toppings, brush, and slash must be chipped and/or beneficially used on or off-site. Tree stumps removed from the site may be chipped.
26. Synthetic liner material utilized on this project shall be inspected for obvious defects prior to its use. Portions of the liner containing tears, defects, perforations, holes, punctures, etc. shall be removed and discarded or repaired in accordance with the requirements provided in the approved CQA/CQC Plan.
  27. All synthetic liner seams shall be fusion or extrusion welded. Welds shall be 100 percent tested for pinholes and other weld faults using a vacuum box tester or air tests, as appropriate, subject to Department approval. Records shall be kept showing weather conditions (cloudy, sunny) on days when welding is ongoing including air temperatures at beginning and end of the work day and precipitation. No welding shall take place when the ambient air or sheet temperature is below 32°F, when the sheet temperature exceeds 158°F, or when the air temperature is above 120°F, without prior Department written approval.
  28. Field joints shall be made by overlapping adjacent sheets a minimum of four (4) inches. Prior to welding the seams, all areas which are to become seam interfaces shall be cleaned of dust and dirt.
  29. Destructive testing of all seams shall conform to 360.2.13(k)(3)(iii)(c) or the appropriate subsection of the 6NYCRR Part 360 regulations affecting construction of the stage.
  30. Should any leachate enter by migration, spill or other means into any stage, or portion thereof, which has not yet received approval for operation, then all liquids within that stage, or portion thereof, shall be removed and treated as leachate. When the leachate is first detected in any such stage, all pumping of liquids from the stage, or portion thereof, into the stormwater drainage system shall cease immediately. Pumping of liquid from that stage, or portion thereof, into the stormwater drainage system may only recommence upon written approval from the Department.
  31. This Department shall be notified if any leachate, waste, gas or other conditions which may affect the integrity of the landfill are observed during construction, including excavation, of the landfill. Notification shall be provided verbally within 48 hours and followed up in writing within 7 days.
  32. Upon commencement of construction, the Permittee must submit by the fifteenth (15th) of each month, a written progress report to the Department which summarizes construction activities undertaken during the preceding month.
  33. The Department has approved the equivalent design determinations (effective 3/13/1999) and variances (effective 2/8/2002) and will continue to be in effect in this permit for the following materials:

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## (a) Equivalent Design Approvals

1. *tire chips* - An 18 inch thick layer of nominal 3 inch tire chips may be used as a substitute for the top 12 inches of the primary soil drainage layer as shown on the approved Engineering Drawings.
2. *tire chips* - Nominal 3 inch tire chips may be used as backfill for landfill gas collection.
3. *crushed C&D* - Crushed C&D may be used as roadway subbase within the limits of the landfill footprint. The crushed C&D used as subbase must be underlain by a minimum 6 inch layer of daily cover soil.

## (b) Variance Approvals

1. Quality control testing of any soil liner materials must be performed at the following revised schedule:

Soil Test Type	Part 360 Frequency	Revised Frequency
Grain Size Distribution	1 per 2500 cubic yards	1 per 7500 cubic yards
Atterberg Limits	1 per 1000 cubic yards	1 per 5000 cubic yards
Moisture-density relationship	1 per 5000 cubic yards	1 per 12500 cubic yards
Moisture Content	1 per 1000 cubic yards	Obtained during permeability test
Recompacted Permeability	1 per 5000 cubic yards	1 per 20000 cubic yards

When a new source of materials is acquired, the testing during the first year of construction shall be according to the frequency specified in Part 360.

2. In areas where geosynthetic clay liner is substituted for the top six-inch portion of the low permeability soil layer in the primary composite liner, the lower twelve inch soil layer may be omitted. A second layer of geosynthetic clay liner must be installed in the sump and beneath all leachate collection pipes.

**III. LANDFILL OPERATION**

34. The approved design capacity for this landfill is 6000 tons/day, based on an annual average.

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Excluded from these limits is solid waste generated at the landfill facility and any Beneficial Use Determination (BUD) materials. By no later than the fifteenth day of each month, the permittee shall report in writing to the Region 8 Regional Solid & Hazardous Materials Engineer, the total amount of solid waste disposed at the facility during the previous month, the number of days of operation, and the amount of BUD materials received.

35. Operation of the landfill and landfill related activities will be in accordance with the following:

(a) Operations directly related to the acceptance and disposal of solid waste at this facility shall be limited to the following:

Monday through Sunday 5:00 a.m. to 8:00 p.m.  
 Weight scales operations are limited to the hours of 6:00 a.m. to 6:00 p.m.

The landfill shall not be operated on Major Holidays.

\*Major Holiday shall include New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day.

(b) Placement of daily cover shall be limited to the following:

Monday through Sunday 6:00 a.m. to 8:00 p.m.

(c) There will be no restrictions on activities which do not require the operation of equipment. These activities shall include equipment maintenance, facility maintenance (such as electrical or phone repair), office personnel, etc.

(d) The Permittee shall notify the Department, in writing, of operating hours for special projects before beginning the project.

36. The following wastes shall not be disposed of at this facility:

- (a) waste identified in 6 NYCRR Part 360-1.5(b);
- (b) any intact steel or plastic drums larger than 10 gallon capacity, that has not been crushed and had at least one end removed or has not been shredded unless otherwise approved by the Department in writing;
- (c) any container which has held hazardous waste and is not empty according to 6NYCRR Part 371.1(f);

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- (d) any container of 5 to 10 gallon capacity shall not be disposed of at this facility unless the containers have been crushed, compacted, or rendered incapable of holding any liquids except that small quantities of dry wastes may be containerized for disposal in this manner;
- (e) any regulated medical waste which has not been treated in accordance with the requirements of 6NYCRR Subpart 360-17 or 10NYCRR Subpart 10-3;
- (f) any industrial or commercial liquids, sludges, or slurries, which contain any free liquids or are less than 20% solids;
- (g) any waste(s) regulated by 6 NYCRR Part 364 unless the waste hauler possesses a valid Part 364 permit;
- (h) tires which have not been cut into a minimum of two equal pieces;

All sludges and chemical, industrial, commercial, food or power plant wastes must be reviewed for compliance with this condition by the Permittee prior to accepting these wastes for disposal at this facility. All records relating to the disposal of these wastes at this facility shall be made available to routine Department inspections. A summary of each month's approved waste streams for disposal, as described in this condition must be submitted to the NYSDEC Regional office within seven-days (7) of the first day of the following month.

37. During the placement of the first lift of waste above the primary leachate collection and removal system, the following precautions and practices shall be observed:
- (a) consideration for the approach and travel of haul trucks and other landfill operation vehicles relative to the location of the liner and leachate collection laterals.
  - (b) waste placement must be kept away from the top of the berms to allow for proper leachate control and effective future placement of final cover. Identification markers may be used along the berms with specific setback distances for waste placement.
  - (c) The initial waste placement must be a minimum of 5 feet of compacted thickness and must be of a select nature and free of unprocessed construction and demolition debris; large metal objects; any long rigid items such as poles or piping; and any other rigid, bulky items which could be placed so as to damage the liner or the leachate collection system.

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38. Regulated medical waste (RMW) to be accepted for disposal at this facility must be in strict accordance with the following:
- (a) Only treated regulated medical waste (TRMW) or treated and destroyed medical waste (TDMW) which has been treated in accordance with the minimum operating requirements of 6NYCRR Subpart 360-17 or 10NYCRR Subpart 70-3 may be accepted at this facility for disposal.
  - (b) Each load of TRMW and TDMW to be accepted for disposal must be accompanied by the original certification form. Each certification form must be signed and dated by the treatment facility shift supervisor or treatment facility manager. The original and all copies of the certification must be maintained at the facility for a period of no less than seven (7) years from the date they are prepared.
  - (c) No TRMW or TDMW may be accepted from any RMW treatment facility unless a draft validation testing program (VTP) is on file with the New York State Department of Health or this Department.
  - (d) No TRMW or TDMW may be accepted by this facility from any RMW treatment facility unless the VTP results have been approved in writing by the New York State Department of Health and minimum operating standards have been established.
39. The permittee shall not accept vehicles delivering waste or cover material to this facility that are not enclosed, covered or their contents secured.
40. All structures, including the leachate collection and removal system, groundwater and gas monitoring wells, access roads, drainage structures, sedimentation basins, etc., shall be maintained in proper working order. In the event any structure becomes damaged or malfunctions so that it will not properly function, the Permittee shall notify the Department verbally within 48-hours after discovery and follow-up in writing within 7 days, and shall promptly replace or repair the structure. If the Permittee immediately repairs the damaged structure within 24-hours of discovering the damage or malfunction, the Permittee will not be required to notify the Department verbally or in writing. All monitoring wells (groundwater and gas) shall be fitted with locking caps and locked at all times other than during times of sampling or maintenance.
41. Any leachate on the ground shall immediately be contained and removed either by pumping or by utilizing spill cleanup procedures such as absorbent pads or as required. Leachate and leachate spill debris must be disposed of at authorized facilities approved by the Department.

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42. The Permittee shall maintain a contingency plan which shall identify the alternative leachate treatment and disposal methods that will be employed in the case of: malfunction of the existing leachate treatment/disposal system; inadequate system capacity to manage short-term increased leachate volumes; and/or the leachate is not acceptable to the existing wastewater treatment plant. Should any element of the contingency plan become unavailable, or inoperative, a revised plan shall be submitted to the Department within 60 days for approval.
43. The Permittee shall inspect the primary and secondary (leak detection) leachate collection and removal system bi-weekly and pump stations weekly. Should the defined action leakage rate levels be exceeded, the Permittee will notify the Department in accordance with the approved site Contingency Plan and follow-up within seven (7) days in writing and immediately initiate the appropriate actions as defined in the contingency plan.
44. The primary leachate collection and removal system shall be cleaned at least annually to maintain an unobstructed and free draining collection system. Should the leachate collection and removal system's efficiency be found to be impaired, then remedial cleaning operations shall be conducted. Prior written notification of the schedule for cleaning shall be provided to the Department.
45. Under no circumstances shall leachate be discharged directly or indirectly from the site to surface waters or groundwaters.
46. Leachate storage must be available to meet the leachate collection needs of the facility throughout the operational and post-closure maintenance periods of the landfill. A log of all visual inspections must be maintained at the site. At a minimum, the log must detail the date, time, inspector, visual observations, problems, and any corrective actions taken.
47. In the event that leachate must be hauled from the facility it shall be by a hauler in possession of a valid Part 364 permit, [authorizing such hauler to haul leachate from the facility to a specified disposal site approved by the Department].
48. Daily, intermediate and final cover must be applied in accordance with the following schedule:
  - (a) Daily Cover: A minimum of six (6) inches of compacted cover material and/or approved alternate daily cover must be applied on all exposed surfaces of solid waste at the close of each operating day to control vectors, fires, odors, blowing litter, and scavenging. The volume of soil cover or approved BUD daily cover materials necessary to cover the entire working face must be available immediately adjacent to the working face at the end of each operating day.
  - (b) Beneficial Use Determination (BUDS) for Materials as Daily Cover: Approval has been granted for the beneficial use of each waste stream listed below or as

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approved in subsequent BUD Management Plan for the facility as daily cover at this facility. When these waste streams are utilized beneficially as daily cover material, they are no longer considered solid waste upon their receipt at the landfill. However, prior to receipt at the landfill, any industrial waste must be hauled by a permitted Part 364 hauler. The weight of each load shall be measured and reported to the Department as BUD daily cover material and categorized as to the specific solid waste which is being beneficially used.

All of the BUD daily cover materials shall be covered with additional waste or clean soil within 48-hours of placement.

Storage of these BUD daily cover materials shall be confined to within areas of the landfill which will not cause an impact on surface water quality. Runoff and run-on controls such as berms and swales shall be provided around storage areas. Appropriate measures shall be taken to prevent the materials from becoming airborne and from eroding into drainage ways.

The specific waste streams which are approved for beneficial use as daily cover materials and the additional restrictions which apply to each are as follows:

1. *Contaminated Soil* - Contaminated soils which are not classified as hazardous waste may be used alone or blended. Use shall be limited to the sloping portion of the working face but restricted from the outside slopes of the landfill.
2. *Paper Processing Sludge* - Use of this material as daily cover alone is limited to the sloping portion of the working face. Use on the flat portion of the working face requires the blending of an equal portion of clean soils.
3. *Shredder Fluff* - Shredder fluff may be used as daily cover on sloping portions of the working face but restricted from the outside slopes of the landfill.
4. *Chipped Tires* - Chipped tires may be used as daily cover on the sloping portion of the working face but restricted from the outside slopes of the landfill.
5. *Construction and Demolition (C&D) Debris* - C&D, which has been reduced in size to three inches or less, may be used as daily cover on the sloping portion of the working face but restricted from the outside slopes of the landfill. A 50/50 mix of C&D debris and daily cover soil can be

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utilized on the flat portions of the working area.

6. *Coal Bottom Ash* - Coal bottom ash may be used as daily cover on the sloping portion of the working face but restricted from the outside slopes of the landfill.
7. *Foundry Sand* - Foundry sand may be used as daily cover on the sloping portion of the working face except for the outside slopes of the landfill.
8. *Resource Recovery Ash*- Non-hazardous ash generated by permitted resource recovery facilities in New York State may be used as daily cover provided that the following conditions are met:
  - i. Sampling results must be provided in the annual report for the facility and be made available to the Department upon request.
  - ii. Ash which contains unburned wastes shall not be suitable for use as daily cover and must be landfilled on the same day as acceptance at the landfill.
  - iii. Ash with a probability of becoming airborne (windblown), or eroded into surface water drainageways, shall not be used as daily cover.
  - iv. Ash determined to be unsuitable for use as daily cover shall be disposed of in the landfill working face immediately.
  - v. Ash determined to be suitable for use as daily cover shall be placed adjacent to the working face. However loads of ash shall not be dumped on or near the outside perimeter slopes, nor near surface water drainageways.
  - vi. Ash shall only be used as daily cover on the sloping portion of the working face, except that ash shall not be used on the outside perimeter slopes. Ash need not be blended with soil or other BUD daily cover materials.
  - vii. Ash shall be used as daily cover or disposed of at the working face on the same day as it is received at the landfill.

(c) Alternate Daily Cover: The Permittee may utilize an alternate daily cover consisting of geosynthetic materials in accordance with the following restrictions:

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1. The alternate daily cover is to be used only on the sloping portion of the work face.
  2. The alternate daily cover is to be used only over an area which will receive solid waste disposal within 24-hours.
  3. The alternate daily cover shall not be used when weather or other conditions prevent or hinder the effective control of vectors, fires, odors, blowing litter, and scavenging.
  4. The alternate daily cover must be secured to the surface of the working face by use of sandbags, piles of cover material, steel reinforcing rods, half tires or other approved methods. Whole tires or other solid waste shall not be used for securing.
- (d) Select Refuse Lift: Clean soil, geosynthetic materials and wood chips are acceptable for use as cover for the select refuse lift. Soil shall be used as cover on the top portion of the select refuse lift. Woodchips and/or geosynthetic materials may be used on the sloping portion of the select refuse lift. The geosynthetic materials and/or chips may be left in place for an extended period of time provided that the area is maintained free of exposed refuse, vectors are not attracted, and odors are controlled.
- (e) Intermediate Cover: A minimum of 12-inches of compacted cover material (soil) must be applied and maintained on all landfill surfaces where no additional solid waste has been or will be deposited within 30 calendar days.
- (f) Final Cover: The final cover system shall be designed, constructed, and maintained in accordance with the requirements of the approved conceptual closure plans. A variance has been granted to eliminate the gas venting layer for the low permeability soil based final cover system.
49. An Annual Report shall be submitted to the Department no later than March 1 of each year which includes the following information:
- (a) The total quantity of solid waste disposed of and BUD daily cover wastes in tons on a monthly basis, for the calendar year from January 1 to December 31. This information must be compiled by waste type such as refuse, sludge, construction and demolition, non-hazardous commercial waste, or other types of solid waste. All wastes and BUD materials received at the facility shall be measured by weight and described in the Report. These records shall be maintained for the life of the facility.
  - (b) The remaining site life in years and remaining capacity in cubic yards of the

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existing constructed landfill.

- (c) An evaluation of all water and leachate quality data collected throughout the year. The Department may request at any time that this information be provided in a computer-compatible format to be specified by the Department.
  - (d) An evaluation of gas monitoring and control systems, including a narrative description of proposed or actual changes to these systems.
  - (e) The quantities of leachate collected, (for each cell) treated, and disposed of on a monthly basis.
  - (f) The quantity of leachate collected in the secondary leachate collection/leak detection and removal system for each cell. This must be compiled on a monthly basis to assess primary liner system performance. These figures shall be used to compute the action leakage rate for each active cell.
  - (g) A revised site plan with 5-foot contours of the fill area reflecting the extent of the previous year's fill progression and the proposed fill progression for the next year.
  - (h) Any proposed changes from the approved reports, plans, and specifications or permit conditions must be listed with justification for each change given. No change shall be effective until written approval is received from the Department.
  - (i) An update of the closure and post-closure cost estimates taking into account any changes to the closure/post closure plans, or operating conditions
50. The Permittee shall not accept solid waste that originates from New York State municipalities that have not completed a Comprehensive Recycling Analysis satisfying the requirements of 6NYCRR Part 360-1.9(f) and approved by the Department or has not implemented the recyclables recovery program determined to be feasible by the analysis.
51. All yard waste (leaves, grass, brush/branches and stumps/tree sections) shall be banned from disposal in the landfill except for that yard waste which is [contaminated by excessive pesticides, hazardous substances, or other items which would make the yard waste] unsuitable for composting or chipping. Yard wastes contained in plastic bags are not banned from landfilling.
52. A permanent grass, ground cover crop, or mulch approved by the Department must be established and maintained on all exposed final cover soil within sixty (60) days after placement, or season not permitting, as otherwise required by the Department.
53. The final contours of the site must conform to those shown on Department-approved engineering report and plans.

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54. Final cover integrity, slopes, cover vegetation, drainage structures, leachate collection and removal structures established pursuant to this permit shall be maintained for a minimum period of thirty (30) years beyond the date of the placement of final cover, or for as long as leachate is capable of adversely impacting the environment, whichever is longer.
55. Groundwater, surface water, and leachate sampling methodologies and analyses of samples must be performed in accordance with the approved Environmental Monitoring Plan (EMP)/ Site Analytical Plan (SAP) for this facility. Operational, closure, and post-closure sampling and analysis shall be in accordance with the approved EMP.
56. All new monitoring wells are to be constructed and sampled as specified in the approved Environmental Monitoring Plan (EMP) and are to meet or exceed the requirements of 6NYCRR Part 360. Any proposed revisions to the EMP are to be submitted to the Department and are subject to the Department's approval.
57. Any wells which do not yield sufficient water to be sampled or are otherwise unsuitable for monitoring purposes are to be reported within 48-hours of detection to the Region 8 Regional Solid & Hazardous Materials Engineer. The operator shall be required to repair, redevelop, or replace, if so determined, such wells in time for the next scheduled sampling event.

#### IV ARTICLE 24 (WETLANDS PERMIT) CONDITIONS:

58. Ongoing (Post Permit Issuance) Plan and Report Requirements
  - (a) The Permittee shall submit copies of any plans and reports to the Division of Fish and Wildlife and Marine Resources, NYSDEC Region 8, 6274 E. Avon-Lima Road, Avon, NY 14414, unless otherwise specified in this permit or in writing by the Department.
  - (b) In the event that the Department disapproves a submittal, or provides the Permittee with comments, questions, or concerns as part of its review process, the Department shall provide its decision or concerns in writing to the Permittee. Permittee shall then have 30 days from receipt to respond to the Department's concerns. The failure to respond in a timely manner shall constitute a violation of this permit and subject Permittee to any action by the Department as may be authorized by law.
59. Permittee shall grant a Conservation Easement for the Protected Property as described therein, the boundaries of which are shown on the Figure in Schedule C. The following terms and conditions shall apply to the granting of the Conservation Easement.
  - (a) The Grantee shall be the Audubon Society.

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- (b) Deleted
- (c) The Conservation Easement is attached hereto as Schedule B.
- (d) The Easement shall be signed and recorded prior to commencement of any regulated activity authorized by this permit in regulated wetland areas.
- (e) Permittee shall provide title reports or other documentation satisfactory to DEC to establish clear title on the part of Grantor and to ensure that no liens or encumbrances exist which would be superior to the Easement or could affect the validity or enforceability of the Easement. Such report(s) shall be provided within 90 days of the issuance of this permit and again prior to the date the easement is recorded.
60. Permittee shall establish and fund a Perpetual Maintenance Fund (the Fund) in order to ensure that sufficient funds are available in perpetuity to maintain the Protected Property as described in the Conservation Easement. The following terms apply relative to the implementation of this Condition:
- (a) The Fund shall be established with Audubon, and a copy of any agreements, contracts, or other mechanism to establish or maintain the fund shall be sent to DEC for its file.
- (b) The Fund shall be funded as follows:
1. The amount of Sixty Two Thousand Dollars (\$62,000) shall be deposited with Audubon no later than December 31 of each year beginning on December 31, 2009 and ending on December 31, 2022, subject to necessary adjustments as described in Subparagraph C below; and
  2. A Performance Bond (Bond) or Letter of Credit (LOC) in substantially the same form as attached hereto as Schedule E, shall be continuously in effect and in an amount sufficient to cover the difference between \$868,000 or such adjusted amount as determined pursuant to Subparagraph 60 (c) below, and the balance in the Fund. The bond or LOC shall name Audubon as the beneficiary of any proceeds, and shall give DEC or Audubon the authority to call in the proceeds in accordance with the terms of the Bond or LOC. Should the Bond or LOC or any part thereof be called in, the proceeds thereof shall be deposited into the Fund.
- (c) No later than November 1, 2008 and each year thereafter that this permit is in effect, Permittee shall re-evaluate the sufficiency of its cost projections for the maintenance obligations shown in Schedule (TBD) and adjust the amount of its annual payment to the Fund as prescribed by Subparagraph 60 (a) as necessary to meet the revised cost estimates.

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- (d) Permittee shall not have access to the money in the Fund. Permittee's maintenance obligations for the Protected Property as required by this Permit or the Conservation Easement shall be separately funded by Permittee.
  - (e) No later than February 1 of each year this permit is in effect, Permittee shall provide DEC with proof that the required payment has been made to Audubon, along with the basis for any change in the amount of the deposit; proof that the required Bond/LOC remains in effect and in the appropriate amount; and the balance in the Fund as of that date.
61. The Department's granting of this permit is based in significant part on SMI's demonstration that a 14-year operating life based, in part, upon the current approved design capacity of 6,000 tons per day, was its only practicable alternative. As a result, by acceptance of this permit, Permittee agrees that it shall not seek approval for a fill rate or design capacity increase that will shorten the life expectancy of the facility.
62. The Department's granting of this permit is based in part on SMI's demonstration that the project satisfies a pressing economic and social need for environmentally sound solid waste disposal in New York, that clearly outweighs the loss of or detriment to the benefit(s) of the Class II wetland. Therefore, the following will assure that the Permittee will be held to providing the highest and best use of its landfill space to help further the state's solid waste goals by reducing the solid waste, recyclables, compostables, hazardous waste, and C&D that enter the landfill.
- (a) Waste Reduction, Recycling and Composting Programs. In recognition of the need to promote and implement waste reduction, reuse, recycling and composting, the Permittee shall:
    - 1. Construct a Community Education Center (CEC) adjacent to the facility. In addition to being available to local high school science classes for environmental field and laboratory projects, the CEC shall be staffed for up to 20 hours a week to provide guidance to the public on available waste reduction, reuse, recycling and composting techniques. The availability of the CEC as a resource on those issues shall be advertised quarterly by the permittee.
    - 2. Fund a staff position to conduct a fourth grade educational outreach program that includes a reuse and recycling component. The program should be offered to all school districts in the Western Finger Lakes Solid Waste Management Authority (WFLSWMA) four county area.
    - 3. Provide technical assistance to the University of Buffalo<sup>TM</sup>s Center for Integrated Waste Management with respect to the reuse of waste tire chips.

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4. Prepare a study to evaluate additional opportunities to further beneficially utilize waste tire chips in civil engineering applications and minimize the use of natural uncontaminated earth or other materials at the facility as well as off-site.
- (b) Household Hazardous Waste Collection Program. The Permittee, in conjunction with Seneca County, the Town of Seneca Falls, and the Town of Waterloo, shall sponsor at least two Household Hazardous Waste (HHW) collection day programs annually for the term of this permit. The program shall be open by appointment to up to 400 residents and not-for-profit organizations residing in the involved local municipalities. The program shall accept all HHW, including mercury-added products, lead acid batteries, electronic products, and pesticides. Any waste accepted and managed pursuant to this condition shall be done at no fee to the generator. These programs shall include distribution of educational materials describing the proper way to use, dispose of, and recycle household chemical products and discussing alternatives to those products.
- In addition, the Permittee shall contribute \$20,000 annually for the term of this permit to the WFLSWMA for its use in support of its HHW collection activities.
- (c) Construction and Demolition Waste Recycling Program. The Permittee shall minimize the use of natural uncontaminated earth materials as daily cover and substitute alternative daily cover materials to the maximum extent practicable. To accomplish this objective, the Permittee shall prepare a construction and demolition (C&D) debris management plan designed to evaluate equipment and handling procedures that will maximize the beneficial uses of C&D debris landfill construction and operation, in compliance with the requirements of Part 360. This plan shall be submitted to the Department for approval 180 days after the effective date of this permit and shall be updated annually, as part of the Permittee<sup>TM</sup>s Part 360 annual report, to describe the quantity of C&D debris received and used beneficially in landfill construction and operation.
- (d) Reporting Requirements. The Permittee shall submit a status report to verify compliance with items 62.a, b, and c above on an annual basis. This report shall be included in the Part 360 annual report with a copy to the Division of Environmental Permits file (8-4532-00023/00046).

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